

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tadahiro OHMI, et al
Title: FILM-FORMING APPARATUS AND FILM-FORMING METHOD
Appl. No.: 10/594,495
Filing Date: 11/7/2006
Examiner: Zervigon, Rudy
Art Unit: 1716
Confirmation Number: 3794

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In accordance to 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interview on April 21, 2011, between Examiners Zervigon and Hassanzadeh, and Thomas G. Bilodeau, regarding the above-captioned application. This statement is being submitted within one (1) month of the mailing date of April 25, 2011, of the Interview Summary and is therefore a timely response. Applicant submits that the Interview Summary (a copy of which is attached) provides a complete and proper recollection of the substance of the interview.

Respectfully submitted,

Date May 3, 2011

By Thomas G. Bilodeau

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,495	11/07/2006	Tadahiro Ohmi	039262-0163	3794

22428 7590 04/25/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

ZERVIGON, RUDY

ART UNIT	PAPER NUMBER
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1716

MAIL DATE	DELIVERY MODE
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04/25/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/594,495	OHMI ET AL.	
	Examiner	Art Unit	
	Rudy Zervigon	1716	

All Participants:

(1) Rudy Zervigon.

(2) Thomas G. Bilodeau.

Date of Interview: 21 April 2011

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
112, 1st paragraph

Claims discussed:
1

Prior art documents discussed:
None

Status of Application: After Final Rejection

(3) Parviz Hassanzadeh.

(4) _____

Time: 10:00

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

The attendants discussed the Examiner's sole pending 112, 1st paragraph rejections. Regarding the 112 rejection under the "directing means coupled...", TB stated that gas ejection portions 37/34 is/are the components meeting the claimed features. The Examiner agreed to such an interpretation only under the condition that the qualifying "coupled to" clause is used in a general sense (as supported by Figure 26) and not in a literal sense where the directing means and the evaporation mechanism would be expected to have a common interfacing surface which is not supported by Applicant's Figure 26. Regarding the second 112 rejection, PH stated that the newly submitted Figure 41 shows Applicant's evaporation mechanism 135 as "part" of the container 125 and is not necessarily "outside said container" as claimed. RZ agreed with PH. TB stated that he would take the results of today's interview to Applicant along with suggestions on course(s) of action.

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

See attached advisory action
 /Rudy Zervigon/
 Primary Examiner, Art Unit 1716

(Applicant/Applicant's Representative Signature – if appropriate)

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/594,495

Applicant(s)

OHMI ET AL.

Examiner

Rudy Zervigon

Art Unit

1716

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20, 22-24 and 54.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See interview summary attached.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 1/26/2011.
13. ☐ Other: _____.

See attached interview summary

/Rudy Zervigon/
Primary Examiner, Art Unit 1716

Receipt date: 01/26/2011

PTO/SB/08 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: January 26, 2011 <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/594,495
		Filing Date	03/29/2005
		First Named Inventor	Tadahiro OHMI
		Art Unit	1716
		Examiner Name	Zervigon, Rudy
		Attorney Docket Number	039262-0163
Sheet	1	of	1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	D1	2006-0278162 A1	12-14-2006	OHMI	

UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Application Document Serial Number-Kind Code ² (if known)	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear T ⁶

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶	
	D2	European Patent Office Communication pursuant to Article 94(3) EPC on application no. 05 727 877.2 dated October 28, 2010; 4 pages		

Examiner Signature	/Rudy Zervigon/ (04/21/2011)	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

WASH_7660874.1

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.Z./